

AMENDED IN ASSEMBLY JANUARY 4, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 254**

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**Introduced by Assembly Member Beall**

February 3, 2011

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An act to amend ~~Section~~ *Sections* 4646.5 and 4868 of, and to add Section 4869 to, the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 254, as amended, Beall. Developmental services: Employment First Policy.

The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide support and services to individuals with developmental disabilities. The services and supports to be provided to a regional center consumer are contained in an individual program plan (IPP), developed in accordance with prescribed requirements.

Existing law requires the State Council on Developmental Disabilities to, *among other responsibilities*, form a standing Employment First Committee to identify strategies and recommend legislative, regulatory, and policy changes to increase integrated employment, *as defined*, for persons with developmental disabilities, as specified.

*This bill would revise the definition of integrated employment to include supported employment, microenterprises, and self-employment, as defined.*

This bill would require the regional center, when developing an individual program plan for a transition age youth or working age adult, to be guided by the Employment First Policy. The bill also, beginning

when a consumer is 14 years of age, would require the planning team to discuss school-to-work opportunities during individual program plan meetings and to inform the consumer, parent, legal guardian, or conservator that the regional center is available, upon request, to participate in the consumer's individualized education plan meetings to discuss *and coordinate* transition planning *with the school district*. The bill would require the planning team, as part of the individual program plan process for working age adults, to address integrated employment opportunities, while respecting the consumer's right to choose.

*The bill would also require regional centers to ensure that consumers, beginning at 14 years of age, and, where appropriate, other specified persons, are provided with information about the Employment First Policy, about options for integrated competitive employment, and about services and supports, including postsecondary education, available to enable the consumer to transition from school to work, and to achieve the outcomes of obtaining and maintaining integrated competitive employment.*

*The bill would authorize the department to request information from regional centers on current and planned activities related to the Employment First Policy, including data on the numbers of consumers engaged in integrated competitive employment.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 4646.5 of the Welfare and Institutions  
2     Code is amended to read:  
3     4646.5. (a) The planning process for the individual program  
4     plan described in Section 4646 shall include all of the following:  
5     (1) Gathering information and conducting assessments to  
6     determine the life goals, capabilities and strengths, preferences,  
7     barriers, and concerns or problems of the person with  
8     developmental disabilities. For children with developmental  
9     disabilities, this process should include a review of the strengths,  
10    preferences, and needs of the child and the family unit as a whole.  
11    Assessments shall be conducted by qualified individuals and  
12    performed in natural environments whenever possible. Information  
13    shall be taken from the consumer, his or her parents and other

1 family members, his or her friends, advocates, providers of services  
2 and supports, and other agencies. The assessment process shall  
3 reflect awareness of, and sensitivity to, the lifestyle and cultural  
4 background of the consumer and the family.

5 (2) A statement of goals, based on the needs, preferences, and  
6 life choices of the individual with developmental disabilities, and  
7 a statement of specific, time-limited objectives for implementing  
8 the person's goals and addressing his or her needs. These objectives  
9 shall be stated in terms that allow measurement of progress or  
10 monitoring of service delivery. These goals and objectives should  
11 maximize opportunities for the consumer to develop relationships,  
12 be part of community life in the areas of community participation,  
13 housing, work, school, and leisure, increase control over his or her  
14 life, acquire increasingly positive roles in community life, and  
15 develop competencies to help accomplish these goals.

16 (3) When developing individual program plans for children,  
17 regional centers shall be guided by the principles, process, and  
18 services and support parameters set forth in Section 4685.

19 (4) *When developing an individual program plan for a transition*  
20 *age youth or working age adult, the regional center shall be guided*  
21 *by the Employment First Policy described in Chapter 14*  
22 *(commencing with Section 4868). Beginning when a consumer is*  
23 *14 years of age, the planning team shall discuss school-to-work*  
24 *opportunities during individual program plan meetings, and the*  
25 *regional center representative shall inform the consumer, parent,*  
26 *legal guardian, or conservator that the regional center is available,*  
27 *upon request, to participate in the consumer's individualized*  
28 *education plan meetings to discuss and coordinate transition*  
29 *planning with the school district.*

30 ~~(4)~~

31 (5) A schedule of the type and amount of services and supports  
32 to be purchased by the regional center or obtained from generic  
33 agencies or other resources in order to achieve the individual  
34 program plan goals and objectives, and identification of the  
35 provider or providers of service responsible for attaining each  
36 objective, including, but not limited to, vendors, contracted  
37 providers, generic service agencies, and natural supports. The  
38 individual program plan shall specify the approximate scheduled  
39 start date for services and supports and shall contain timelines for

1 actions necessary to begin services and supports, including generic  
2 services.

3 ~~(5)~~

4 (6) When agreed to by the consumer, the parents or legally  
5 appointed guardian of a minor consumer, or the legally appointed  
6 conservator of an adult consumer or the authorized representative,  
7 including those appointed pursuant to subdivision (d) of Section  
8 4548 and subdivision (e) of Section 4705, a review of the general  
9 health status of the adult or child including a medical, dental, and  
10 mental health needs shall be conducted. This review shall include  
11 a discussion of current medications, any observed side effects, and  
12 the date of last review of the medication. Service providers shall  
13 cooperate with the planning team to provide any information  
14 necessary to complete the health status review. If any concerns  
15 are noted during the review, referrals shall be made to regional  
16 center clinicians or to the consumer's physician, as appropriate.  
17 Documentation of health status and referrals shall be made in the  
18 consumer's record by the service coordinator.

19 ~~(6)~~

20 (7) (A) The development of a transportation access plan for a  
21 consumer when all of the following conditions are met:

22 (i) The regional center is purchasing private, specialized  
23 transportation services or services from a residential, day, or other  
24 provider, excluding vouchered service providers, to transport the  
25 consumer to and from day or work services.

26 (ii) The planning team has determined that a consumer's  
27 community integration and participation could be safe and  
28 enhanced through the use of public transportation services.

29 (iii) The planning team has determined that generic  
30 transportation services are available and accessible.

31 (B) To maximize independence and community integration and  
32 participation, the transportation access plan shall identify the  
33 services and supports necessary to assist the consumer in accessing  
34 public transportation and shall comply with Section 4648.35. These  
35 services and supports may include, but are not limited to, mobility  
36 training services and the use of transportation aides. Regional  
37 centers are encouraged to coordinate with local public  
38 transportation agencies.

39 ~~(7)~~

(8) A schedule of regular periodic review and reevaluation to ascertain that planned services have been provided, that objectives have been fulfilled within the times specified, and that consumers and families are satisfied with the individual program plan and its implementation.

(b) For all active cases, individual program plans shall be reviewed and modified by the planning team, through the process described in Section 4646, as necessary, in response to the person's achievement or changing needs, and no less often than once every three years. If the consumer or, where appropriate, the consumer's parents, legal guardian, or conservator requests an individual program plan review, the individual program shall be reviewed within 30 days after the request is submitted.

(c) (1) The department, with the participation of representatives of a statewide consumer organization, the Association of Regional Center Agencies, an organized labor organization representing service coordination staff, and the Organization of Area Boards shall prepare training material and a standard format and instructions for the preparation of individual program plans, which embodies an approach centered on the person and family.

(2) Each regional center shall use the training materials and format prepared by the department pursuant to paragraph (1).

(3) The department shall biennially review a random sample of individual program plans at each regional center to assure that these plans are being developed and modified in compliance with Section 4646 and this section.

~~SECTION 1. Section 4646.5 of the Welfare and Institutions Code is amended to read:~~

~~4646.5. (a) The planning process for the individual program plan described in Section 4646 shall include all of the following:~~

~~(1) Gathering information and conducting assessments to determine the life goals, capabilities and strengths, preferences, barriers, and concerns or problems of the person with developmental disabilities. For children with developmental disabilities, this process should include a review of the strengths, preferences, and needs of the child and the family unit as a whole. Assessments shall be conducted by qualified individuals and performed in natural environments whenever possible. Information shall be taken from the consumer, his or her parents and other family members, his or her friends, advocates, providers of services~~

1 and supports, and other agencies. The assessment process shall  
2 reflect awareness of, and sensitivity to, the lifestyle and cultural  
3 background of the consumer and the family.

4 (2) A statement of goals, based on the needs, preferences, and  
5 life choices of the individual with developmental disabilities, and  
6 a statement of specific, time-limited objectives for implementing  
7 the person's goals and addressing his or her needs. These objectives  
8 shall be stated in terms that allow measurement of progress or  
9 monitoring of service delivery. These goals and objectives should  
10 maximize opportunities for the consumer to develop relationships,  
11 be part of community life in the areas of community participation,  
12 housing, work, school, and leisure, increase control over his or her  
13 life, acquire increasingly positive roles in community life, and  
14 develop competencies to help accomplish these goals.

15 (3) When developing individual program plans for children,  
16 regional centers shall be guided by the principles, process, and  
17 services and support parameters set forth in Section 4685.

18 (4) When developing an individual program plan for a transition  
19 age youth or working age adult, the regional center shall be guided  
20 by the Employment First Policy described in Chapter 14  
21 (commencing with Section 4868). Beginning when a consumer is  
22 14 years of age, the planning team shall discuss school-to-work  
23 opportunities during individual program plan meetings, and the  
24 regional center representative shall inform the consumer, parent,  
25 legal guardian, or conservator that the regional center is available,  
26 upon request, to participate in the consumer's individualized  
27 education plan meetings to discuss transition planning.

28 (5) A schedule of the type and amount of services and supports  
29 to be purchased by the regional center or obtained from generic  
30 agencies or other resources in order to achieve the individual  
31 program plan goals and objectives, and identification of the  
32 provider or providers of service responsible for attaining each  
33 objective, including, but not limited to, vendors, contracted  
34 providers, generic service agencies, and natural supports. The plan  
35 shall specify the approximate scheduled start date for services and  
36 supports and shall contain timelines for actions necessary to begin  
37 services and supports, including generic services.

38 (6) When agreed to by the consumer, the parents or legally  
39 appointed guardian of a minor consumer, or the legally appointed  
40 conservator of an adult consumer or the authorized representative,

1 including those appointed pursuant to subdivision (d) of Section  
2 4548 and subdivision (e) of Section 4705, a review of the general  
3 health status of the adult or child including a medical, dental, and  
4 mental health needs shall be conducted. This review shall include  
5 a discussion of current medications, any observed side effects, and  
6 the date of last review of the medication. Service providers shall  
7 cooperate with the planning team to provide any information  
8 necessary to complete the health status review. If any concerns  
9 are noted during the review, referrals shall be made to regional  
10 center clinicians or to the consumer's physician, as appropriate.  
11 Documentation of health status and referrals shall be made in the  
12 consumer's record by the service coordinator.

13 (7) ~~A schedule of regular periodic review and reevaluation to~~  
14 ~~ascertain that planned services have been provided, that objectives~~  
15 ~~have been fulfilled within the times specified, and that consumers~~  
16 ~~and families are satisfied with the individual program plan and its~~  
17 ~~implementation.~~

18 (b) ~~For all active cases, individual program plans shall be~~  
19 ~~reviewed and modified by the planning team, through the process~~  
20 ~~described in Section 4646, as necessary, in response to the person's~~  
21 ~~achievement or changing needs, and no less often than once every~~  
22 ~~three years. If the consumer or, where appropriate, the consumer's~~  
23 ~~parents, legal guardian, or conservator requests an individual~~  
24 ~~program plan review, the individual program shall be reviewed~~  
25 ~~within 30 days after the request is submitted.~~

26 (c) (1) ~~The department, with the participation of representatives~~  
27 ~~of a statewide consumer organization, the Association of Regional~~  
28 ~~Center Agencies, an organized labor organization representing~~  
29 ~~service coordination staff, and the Organization of Area Boards~~  
30 ~~shall prepare training material and a standard format and~~  
31 ~~instructions for the preparation of individual program plans, which~~  
32 ~~embodies an approach centered on the person and family.~~

33 (2) ~~Each regional center shall use the training materials and~~  
34 ~~format prepared by the department pursuant to paragraph (1).~~

35 (3) ~~The department shall biennially review a random sample of~~  
36 ~~individual program plans at each regional center to assure that~~  
37 ~~these plans are being developed and modified in compliance with~~  
38 ~~Section 4646 and this section.~~

39 *SEC. 2. Section 4868 of the Welfare and Institutions Code is*  
40 *amended to read:*

1 4868. (a) The State Council on Developmental Disabilities  
2 shall form a standing Employment First Committee consisting of  
3 the following members:

4 (1) One designee of each of the members of the state council  
5 specified in subparagraphs (B), (C), (D), (F), and (H) of paragraph  
6 (2) of subdivision (b) of Section 4521.

7 (2) A member of the consumer advisory committee of the state  
8 council.

9 (b) In carrying out the requirements of this section, the  
10 committee shall meet and consult, as appropriate, with other state  
11 and local agencies and organizations, including, but not limited  
12 to, the Employment Development Department, the Association of  
13 Regional Center Agencies, one or more supported employment  
14 provider organizations, an organized labor organization  
15 representing service coordination staff, and one or more consumer  
16 family member organizations.

17 (c) The responsibilities of the committee shall include, but need  
18 not be limited to, all of the following:

19 (1) Identifying the respective roles and responsibilities of state  
20 and local agencies in enhancing integrated and gainful employment  
21 opportunities for people with developmental disabilities.

22 (2) Identifying strategies, best practices, and incentives for  
23 increasing integrated employment and gainful employment  
24 opportunities for people with developmental disabilities, including,  
25 but not limited to, ways to improve the transition planning process  
26 for students 14 years of age or older, and to develop partnerships  
27 with, and increase participation by, public and private employers  
28 and job developers.

29 (3) Identifying existing sources of employment data and  
30 recommending goals for, and approaches to measuring progress  
31 in, increasing integrated employment and gainful employment of  
32 people with developmental disabilities.

33 (4) Recommending legislative, regulatory, and policy changes  
34 for increasing the number of individuals with developmental  
35 disabilities in integrated employment, ~~self-employment, and~~  
36 ~~microenterprises~~, and who earn wages at or above minimum wage,  
37 including, but not limited to, recommendations for improving  
38 transition planning and services for students with developmental  
39 disabilities who are 14 years of age or older. This shall include,  
40 but shall not be limited to, the development of ~~an Employment~~



~~First Policy~~, a policy with the intended outcome of ~~which is a significant increase in~~ significantly increasing the number of individuals with developmental disabilities who engage in integrated employment, ~~self-employment, and microenterprises,~~ and in the number of individuals who earn wages at or above minimum wage. This proposed policy shall be in furtherance of the intent of this division that services and supports be available to enable persons with developmental disabilities to approximate the pattern of everyday living available to people without disabilities of the same age and that support their integration into the mainstream life of the community, and that those services and supports result in more independent, productive, and normal lives for the persons served. The proposed ~~Employment First Policy~~ policy shall not limit service and support options otherwise available to consumers, or the rights of consumers, or, where appropriate, parents, legal guardians, or conservators to make choices in their own lives.

(d) For purposes of this chapter, ~~“integrated”~~ the following definitions shall apply:

(1) “Competitive employment” means work in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting and for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.

(2) “Integrated employment” ~~shall have the same definition as~~ means “integrated work” as defined in subdivision (o) of Section 4851, microenterprises, self-employment, and supported employment, as defined in subdivision (n) of Section 4851.

(3) “Microenterprises” means small businesses owned by individuals with developmental disabilities who have control and responsibility for decisionmaking and overseeing of the business, with accompanying business licenses, taxpayer identification numbers other than social security numbers, and separate business bank accounts. Microenterprises may be considered integrated competitive employment.

(4) “Self-employment” means an employment setting in which an individual works in a chosen occupation, for profit or fee, in his or her own small business, with control and responsibility for decisions affecting the conduct of the business.

(e) The committee, by July 1, 2011, and annually thereafter, shall provide a report to the appropriate policy committees of the Legislature and to the Governor describing its work and recommendations. The report due by July 1, 2011, shall include the proposed ~~Employment First Policy~~ policy described in paragraph (4) of subdivision (c).

~~SEC. 2.~~

SEC. 3. Section 4869 is added to the Welfare and Institutions Code, to read:

~~4869. In furtherance of the Employment First Policy established pursuant to this chapter, the individual program plan process for working age adults shall address integrated employment opportunities, while respecting the consumer's right to choose.~~

4869. (a) (1) *It is the policy of the state that integrated, competitive employment is the priority outcome for working age individuals with developmental disabilities. This policy shall be known as the Employment First Policy.*

(2) *This policy is in furtherance of the intent of this division to make services and supports available to enable persons with developmental disabilities to approximate the pattern of everyday living available to people without disabilities of the same age, to support the integration of persons with developmental disabilities into the mainstream life of the community, and to bring about more independent, productive, and normal lives for the persons served.*

(3) *Implementation of the policy shall be consistent with the rights established pursuant to this division, including the right of people with developmental disabilities to make informed choices with respect to individual program planning and implementation.*

(4) *Integrated competitive employment is intended to be the first option considered for working age individuals, but individuals may choose goals other than integrated competitive employment.*

(b) *Regional centers shall ensure that consumers, beginning at 14 years of age, and, where appropriate, their parents, legal guardians, or conservators, are provided with information, in a language that the consumer and, as appropriate, the consumer's representative understand, about the Employment First Policy, about options for integrated competitive employment, and about services and supports, including postsecondary education, available to enable the consumer to transition from school to work,*

1 *and to achieve the outcomes of obtaining and maintaining*  
2 *integrated competitive employment.*

3 *(c) The department may request information from regional*  
4 *centers on current and planned activities related to the Employment*  
5 *First Policy, including data on the numbers of consumers engaged*  
6 *in integrated competitive employment.*

7 *(d) As appropriate, the department shall post information on*  
8 *its Internet Web site pertaining to the Employment First Policy,*  
9 *including technical assistance and training materials, best*  
10 *practices, resources, and regional center-specific data, by gender,*  
11 *race, and type and severity of disability, on progress made in*  
12 *increasing the number of consumers in integrated employment,*  
13 *and the number of consumers earning wages at or above minimum*  
14 *wage.*

O